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Letter dated 3 November 2017 from the Permanent Representative of Djibouti to the United Nations addressed to the President of the Security Council

I have the honour to present the Security Council with an update on the current situation with regard to the border dispute between Eritrea and Djibouti and the most recent developments.

It has been almost 10 years since Eritrea breached international law, illegally moved into our territory and occupied Ras Doumera and Doumera Island. It has also been almost 10 years since Eritrea took Djiboutian prisoners of war, refused to provide a list of names and identification numbers of all the prisoners and other missing persons in its custody, or otherwise account for the Djiboutians that it has in its custody and held incommunicado and in the most inhumane and degrading conditions.

It has been 10 years since Eritrea started recruiting, equipping and arming groups to destabilize the region and incite violence and civil strife in Djibouti.

We have consistently demonstrated a persistent and keen interest in the peaceful resolution of this crisis. We have left no stone unturned in our quest for the resolution of this crisis.

Against this backdrop, I wish to provide an update on the current situation and the most recent developments:

Qatar-led mediation efforts

The mediation broke down as soon as it began because Eritrea refused to appoint its member to the mediating body. Djibouti submitted a legal memorandum and a comprehensive statement of pertinent facts and legal principles applicable to this matter and other matters that form part of the dispute and promptly provided the list of prisoners of war in its custody. Eritrea has never displayed any serious commitment to honour its international obligations. Furthermore, in June 2017, the State of Qatar decided to withdraw its military observers along the international border and formally notified Djibouti of its decision to terminate its mediation role (see S/2017/506).

Therefore, we wish to state that there is no ambiguity whatsoever about the status of the Qatar-led mediation efforts.

Border issue

Following the end of Qatar's mediation efforts, and after the departure of Qatar's personnel from the international border, Eritrea moved its military personnel

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to Ras Doumera and Doumera Island, thus contributing to heightened tensions and insecurity and threatening a new outbreak of violence. Alarmed at the possibility of resumption of hostilities, the African Union decided to deploy a fact-finding mission to both Djibouti and Eritrea.

Djibouti has cooperated and facilitated the work of the African Union mission in its endeavour to accomplish its mandate. Eritrea, characteristically, has yet to cooperate with the African Union fact-finding mission.

Four months have elapsed since the withdrawal of Qatar's observers, and Eritrea continues to illegally occupy Djibouti's sovereign territory. The Security Council must send a clear political signal to Eritrea that the grace period cannot be open-ended. In retrospect, it is safe to state that Eritrea has dishonestly claimed to be fully committed to the Qatari mediation when, in fact, it has displayed an intolerable pattern of behaviour characterized by procrastination, obstruction and obfuscation. Eritrea has, defiantly and consistently, shown unwillingness to comply with any of the relevant provisions of the resolutions of the Council on the matter.

Now that the unresolved border dispute is no longer subject to third party mediation, Djibouti is of the view that the Security Council must urge Eritrea and Djibouti to accept, as a matter of urgency and to avoid further escalation of violence, the peaceful settlement of the border dispute in conformity with Article 33 of the Charter of the United Nations by submitting the dispute for final and binding determination under the International Court of Justice or by an international arbitral tribunal established in conformity with the applicable rules of the Permanent Court of Arbitration. The Secretary-General and the Chairperson of the African Union could convene an urgent meeting with the parties to facilitate an agreement on recourse to such procedures.

Prisoners of war

Thirteen remaining prisoners of war are unaccounted for and are in Eritrean custody. Eritrea's self-serving claims to have released all of the Djiboutian prisoners of war under its custody have no credibility whatsoever. Even after two Djiboutian prisoners of war escaped in 2011, Eritrea refused to acknowledge that it had ever held them. Indeed, for eight years, Eritrea denied the existence of the four prisoners of war that it released. The African Union, in its statement issued in March 2016, acknowledged the March 2016 release of Djiboutian prisoners of war, but nonetheless was compelled to call upon Eritrea to "clarify the fate of any remaining prisoners and to release them". In contrast, the Government of Djibouti has authorized the Office of the United Nations High Commissioner for Refugees to review all the individual histories of Eritrean prisoners of war held in Djibouti since the clashes in 2008 and to make recommendations with respect to their status and need for protection.

In conclusion, the cost of inaction by the Security Council will be high. Let me recall the words of President Ismaël Omar Guelleh stated before the Council in October 2008: "Continued inaction in whatever form will not only encourage but reward Eritrea's attitude. That would leave my country with but one option: the option of war."

I would be grateful if the present letter could be circulated as a document of the Security Council.

(*Signed*) Mohamed Siad **Doualeh**